

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) Jeffrey E. Jenkins, Esquire Jenkins & Clayman 412 White Horse Pike Audubon, NJ 08106 (856) 546-9696 Attorney for Debtor	
In Re: Keith T. Spence debtor	Case No.: 13-33342 Judge: JNP Chapter: 13

- CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**
☒ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**
☐ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following (**choose one**):

1. ☒ Motion for Relief from the Automatic Stay filed by
Ditech Financial, LLC, creditor.

A hearing has been scheduled for January 2, 2018

OR

- ☐ Motion to Dismiss filed by the Standing Chapter 13 Trustee, _____.

A hearing has been scheduled for _____, at ____.

- ☐ Certification of Default filed by _____, creditor

I am requesting a hearing be scheduled in this matter.

OR

- ☐ Certification of Default filed by Standing Chapter 13 Trustee.

I am requesting a hearing be scheduled in this matter.

2. I am objecting to the above for the following reasons (**choose one**):

☐ Payments have been made in the amount of \$_____, but have not been accounted for. Documentation in support of attached hereto.

☒ Payments have not been made for the following reasons and debtor proposes

repayment as follows **explain your answer**): In my Chapter 13 case, my mortgage company has filed a motion to vacate the stay indicating I am behind with my payments. It's true, I am behind. I fell behind because my wife was very sick and I missed work taking care of her, so my income was affected. She is in better condition now and she is also getting social security disability. I should be able to pay \$2,000.00 immediately (that's more than three payments) and then pay \$1000.00 a month for ten months, and that would catch me up with the mortgage. I can make payments of this magnitude now that I do not have to miss any more work and my wife is now getting social security disability money each month. Accordingly, I ask that the motion be denied.

☐ Other (**explain your answer**): _____

3. This Certification is being made in an effort to resolve the issues raised by the creditor in this motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: 12/18/2017

/s/ Keith T. Spence

Keith T Spence, debtor

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

If this form is not filed the Motion or Certification of Default will be deemed uncontested